

AMENDED IN ASSEMBLY JUNE 24, 2014
AMENDED IN ASSEMBLY AUGUST 6, 2013
AMENDED IN SENATE MAY 6, 2013
AMENDED IN SENATE APRIL 11, 2013
AMENDED IN SENATE APRIL 2, 2013

SENATE BILL

No. 633

Introduced by Senator Pavley

February 22, 2013

~~An act to amend Section 21166 of, and to add Section 21084.2 to, the Public Resources Code, relating to environmental quality. An act to add Sections 530.5, 547, 5080.27, and 5080.43 to, and to add and repeal Sections 5003.9 and 5080.22 of, the Public Resources Code, relating to state parks.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 633, as amended, Pavley. ~~CEQA~~. State parks.

(1) Existing law establishes the Department of Parks and Recreation and vests the department with the control of the state park system. Existing law authorizes the department to enter into concession contracts for the construction, maintenance, and convenience of the general public in the use and enjoyment of units of the state park system. Under its existing authority, the department has created regional park passes and other passes that serve the needs of visitors interested in parks with a shared theme or within a region.

This bill would require the Department of Parks and Recreation, on or before July 1, 2015, to prepare a report to the Legislature that fully addresses the department's energy costs, projects that could reduce

those costs, and potential energy-related infrastructure projects, as specified. The bill would require the department, until January 1, 2018, and from available appropriated funds, to establish a pilot program for mobile food and beverage concessions in multiple units and in multiple locations, if feasible, and to assess and report on the suitability, increase in visitation, and visitor satisfaction regarding the program. The bill would also require the department, on or before July 1, 2015, to establish guidelines for the sale of specified park passes to cooperating vendors for resale to the public. The bill would require the department, on or before December 31, 2015 and from available appropriated funds, to establish a minimum of 2 additional regional passes available to park visitors for purchase.

(2) Existing law establishes the State Park and Recreation Commission and vests the commission with specified authorities regarding the operation and development of the state park system. Existing law requires the Department of Motor Vehicle, in consultation with the Department of Parks and Recreation, to design and make available for issuance a special state parks environmental design license plate upon the payment of an additional fee. Existing law requires those additional fees, upon the appropriation of the Legislature, be used for the exclusive trust purposes of preservation and restoration of California state parks.

This bill would require the commission's costs be reflected separately and displayed in the annual budget proposed by the Governor. The bill would require the commission to hold one or more public hearings to further a public process that may be initiated by the Department of Parks and Recreation to select one or more annual projects to receive funding from those additional fees.

~~The California Environmental Quality Act, referred to as CEQA, requires a lead agency, as defined, to prepare, or cause to be prepared, and certify completion of, an environmental impact report, referred to as an EIR, on a project that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA prescribes certain requirements for the review of draft EIRs, as specified. CEQA prohibits~~

~~a lead agency or responsible agency from requiring a subsequent or supplemental EIR when an EIR has been prepared for a project pursuant to its provisions, unless one or more of specified events occurs, including, among other things, that new information, which was not known and could not have been known at the time the EIR was certified as complete, becomes available. CEQA requires the Office of Planning and Research to prepare and develop, and the Secretary of the Natural Resources Agency to certify and adopt, guidelines for the implementation of CEQA. CEQA requires the office to review the guidelines once every 2 years and recommend proposed changes or amendments to the guidelines to the secretary. CEQA requires the guidelines to include a list of classes of projects that have been determined not to have a significant effect on the environment and to exempt those classes of projects from CEQA. These are referred to as categorical exemptions.~~

~~This bill would, for purposes of the new information exception to the prohibition on requiring a subsequent or supplemental EIR, specify that the exception applies if new information that becomes available was not known and could not have been known by the lead agency or any responsible agency at the time the EIR was certified as complete. The bill would authorize the office, by July 1, 2015, to draft and transmit to the secretary revisions to the guidelines to include as a categorical exemption projects involving minor temporary uses of land and public gatherings that have been determined not to have a significant effect on the environment. The bill would require the secretary, if the Office of Planning and Research transmits the revisions to the secretary, to certify and adopt the proposed revisions to the guidelines by January 1, 2016. Because a lead agency would be required to determine whether a project would fall within this categorical exemption, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: *yes-no*.

The people of the State of California do enact as follows:

1 *SECTION 1. The Legislature finds and declares all of the*
2 *following:*

3 *(a) Recent legislation establishing a moratorium on closure of*
4 *state parks, a matching funds program to help keep state parks*
5 *open, increased outreach to the public through the use of creative*
6 *partnerships and other innovative tools, and other provisions have*
7 *helped stabilize the Department of Parks and Recreation and*
8 *broaden its financial base.*

9 *(b) Ongoing efforts by the Parks Forward Commission, the*
10 *State Parks and Recreation Commission, and the Department of*
11 *Parks and Recreation to develop a more secure financial base for*
12 *the department through the increased use of pilot projects, the sale*
13 *of specialized or regional passes, and other internal reforms are*
14 *providing early signs of success that should be strengthened.*

15 *(c) The directives in Sections 5080.22, 5080.27, and 5080.43*
16 *of the Public Resources Code added by this act are based on*
17 *existing authority of the Department of Parks and Recreation.*

18 *SEC. 2. Section 530.5 is added to the Public Resources Code,*
19 *to read:*

20 530.5. *(a) The Legislature finds and declares that the*
21 *commission's costs should be reflected separately in the annual*
22 *budget so that there is transparency as to those costs and the*
23 *capability to determine if the commission is adequately funded.*

24 *(b) The commission's costs shall be reflected separately in a*
25 *format approved by the Department of Finance and shall be*
26 *displayed in the annual budget proposed by the Governor.*

27 *SEC. 3. Section 547 is added to the Public Resources Code,*
28 *to read:*

29 547. *(a) It is the intent of the Legislature that the commission*
30 *and the Department of Parks and Recreation cooperate to increase*
31 *public support of, and involvement with, the department and to*
32 *generate greater tax-deductible contributions to the department*
33 *through Section 5155 of the Vehicle Code by soliciting public input*
34 *into how these contributions are proposed to be spent. The*
35 *commission and department should create one or more "projects*
36 *of the year" to be funded by the public's tax-deductible*
37 *contributions based on a process in which the public helps decide*
38 *which project or projects receive funding.*

1 **(b)** *The commission shall hold one or more public hearings to*
2 *further a public process that may be initiated by the Department*
3 *of Parks and Recreation to select one or more annual projects to*
4 *receive revenue from the tax-deductible contributions from the*
5 *public generated pursuant to Section 5161 of the Vehicle Code.*

6 **SEC. 4.** *Section 5003.9 is added to the Public Resources Code,*
7 *to read:*

8 **5003.9.** *(a) The Legislature finds and declares that the*
9 *department should identify its energy costs, projects that could*
10 *reduce those costs, and potential energy-related infrastructure*
11 *projects that may be eligible for funding from revenues that may*
12 *be generated pursuant to a market-based compliance mechanism*
13 *that may be adopted by the State Air Resources Board pursuant*
14 *to Part 5 (commencing with Section 38570) of Division 25.5 of the*
15 *Health and Safety Code.*

16 **(b) (1)** *On or before July 1, 2015, the department shall prepare*
17 *a report to the Legislature that fully addresses the matter described*
18 *in subdivision (a)*

19 **(2)** *The report required pursuant to paragraph (1) shall be*
20 *submitted in compliance with Section 9795 of the Government*
21 *Code*

22 **(c)** *Pursuant to Section 10231.5 of the Government Code, this*
23 *section is repealed on January 1, 2020.*

24 **SEC. 5.** *Section 5080.22 is added to the Public Resources Code,*
25 *to read:*

26 **5080.22.** *(a) The department shall, until January 1, 2018 and*
27 *from available appropriated funds, establish a pilot program for*
28 *mobile food and beverage concessions in multiple units and in*
29 *multiple locations, if feasible, and to assess suitability, increase*
30 *in visitation, and visitor satisfaction. The program is not subject*
31 *to Section 5002.2.*

32 **(b)** *The pilot program may include concession agreements for*
33 *two years or less as authorized by Section 5080.06 and may provide*
34 *existing concessionaires a right of first refusal for those mobile*
35 *food and beverage concessions.*

36 **(c)** *On or before January 1, 2018, the department shall submit*
37 *to the Legislature, pursuant to Section 9795 of the Government*
38 *Code, a report on the results of the pilot program, including*
39 *information regarding improvements or other changes in revenue*
40 *generated by the department and participating units, sales volume,*

1 visitation statistics, and any available information regarding visitor
2 satisfaction.

3 (d) This section shall remain in effect only until January 1, 2019,
4 and as of that date is repealed, unless a later enacted statute, that
5 is enacted before January 1, 2019, deletes or extends that date.

6 SEC. 6. Section 5080.27 is added to the Public Resources Code,
7 to read:

8 5080.27. (a) (1) It is the intent of the Legislature to expand
9 the department's capability to sell park passes through cooperating
10 vendors, whether for the entire system of state parks, day use
11 passes, or identified subsets of parks for which the department has
12 approved regional or shared-theme park passes.

13 (2) It is further the intent of the Legislature that a model for
14 this expansion can be found in subdivision (b) of Section 5091.20
15 that applies to Sno-park permits, which are sold on a consignment
16 basis to vendors who do not have any financial risk associated
17 with providing this service to the department and who are
18 authorized to deduct a stipulated commission for each permit sold
19 before remitting the proceeds of the sold permits to the department.

20 (b) On or before July 1, 2015, the department shall establish
21 guidelines for the sale of state park passes identified in subdivision
22 (a) to cooperating vendors for resale to the public.

23 SEC. 7. Section 5080.43 is added to the Public Resources Code,
24 to read:

25 5080.43. (a) (1) The Legislature finds and declares that
26 regional passes in the Big Sur-Monterey Bay region, the Lake
27 Tahoe region, the northern coastal beaches, or other appropriate
28 regions may be determined by the department to be suitable for
29 the establishment of additional regional approaches for annual
30 passes.

31 (2) It is the intent of the Legislature that the department should
32 continue to create regional park passes and other passes that could
33 serve the need of visitors interested in state parks with a shared
34 theme or within a region so that visitors could recreate in multiple
35 parks for only one fee. The creation of the Surf Explorer Vehicle
36 Day Use annual pass, the Historian Passport Day Use Admissions
37 annual pass, and the California Park Experience Vehicle Day Use
38 annual pass may serve as useful models for future passes for the
39 regions described in paragraph (1).

1 (b) *On or before December 31, 2015, the department shall, from*
2 *available appropriated funds, establish a minimum of two*
3 *additional regional park passes as described in subdivision (a)*
4 *that are available to park visitors for purchase through the*
5 *department's Internet Web site or other designated vendors.*

6 ~~SECTION 1. Section 21084.2 is added to the Public Resources~~
7 ~~Code, to read:~~

8 ~~21084.2. (a) On or before July 1, 2015, the Office of Planning~~
9 ~~and Research may draft and transmit to the Secretary of the Natural~~
10 ~~Resources Agency for certification and adoption revisions to the~~
11 ~~guidelines to include a class of projects involving minor temporary~~
12 ~~uses of land and public gatherings that have been determined not~~
13 ~~to have a significant effect on the environment and that shall be~~
14 ~~exempt from this division.~~

15 ~~(b) If the Office of Planning and Research transmits revisions~~
16 ~~pursuant to subdivision (a), the Secretary of the Natural Resources~~
17 ~~Agency shall certify and adopt the proposed revisions in accordance~~
18 ~~with Section 21083 on or before January 1, 2016.~~

19 ~~(c) This section shall not be construed to be a limitation on~~
20 ~~requirements under this division and any other laws.~~

21 ~~(d) This section does not affect a pending action or proceeding~~
22 ~~challenging the issuance of a permit for the temporary uses of land~~
23 ~~and public gathering based on an alleged violation of this division~~
24 ~~that is filed before January 1, 2014.~~

25 ~~SEC. 2. Section 21166 of the Public Resources Code is~~
26 ~~amended to read:~~

27 ~~21166. When an environmental impact report has been prepared~~
28 ~~for a project pursuant to this division, a subsequent or supplemental~~
29 ~~environmental impact report shall not be required by the lead~~
30 ~~agency or by any responsible agency, unless one or more of the~~
31 ~~following events occurs:~~

32 ~~(a) Substantial changes are proposed in the project that will~~
33 ~~require major revisions of the environmental impact report.~~

34 ~~(b) Substantial changes occur with respect to the circumstances~~
35 ~~under which the project is being undertaken that will require major~~
36 ~~revisions in the environmental impact report.~~

37 ~~(c) New information, which was not known and could not have~~
38 ~~been known by the lead agency or any responsible agency at the~~
39 ~~time the environmental impact report was certified as complete,~~
40 ~~becomes available.~~

1 ~~SEC. 3. No reimbursement is required by this act pursuant to~~
2 ~~Section 6 of Article XIII B of the California Constitution because~~
3 ~~a local agency or school district has the authority to levy service~~
4 ~~charges, fees, or assessments sufficient to pay for the program or~~
5 ~~level of service mandated by this act, within the meaning of Section~~
6 ~~17556 of the Government Code.~~

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